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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,469	09/25/2003	Motoshi Okugawa	108421-00080	4843

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EXAMINER

MATZEK, MATTHEW D

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/669,469	OKUGAWA ET AL.	
	Examiner	Art Unit	
	Matthew D. Matzek	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 September 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>all</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

Claim Objections

1. Claim 2 is objected to because of the following informalities: the term “basic weight” is used to describe the base paper of the string-reticulated structure. The Examiner has interpreted the term “basic weight” to actually mean “basis weight”, which is a common in the applicable art and is logical provided the subsequent instant limitation. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The instant application provides no further description for the “aspect ratio of tensile strength of the base paper measured by Japanese Industrial Standard P 8113 is in the range from 5 to 15” than its mere mention in the instant claim and in the instant specification. Without further explanation of the testing standard it may not be included as the basis any limitation in the instant application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 1771

4. Claims 1, 2, 5, and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ayers (US Patent 3,905,863).

5. Ayers discloses a low-density, soft bulky and absorbent paper sheet (Abstract). Figure 1 of the applied patent displays a knotless, reticulated structure. The furnish (raw material) of the invention of Ayers comprises 50 percent softwood kraft pulp and the finished article has basis weights of from about 5 to about 40 pounds per 3000 square feet or ~8 to about ~65 grams per square meter (Calculation done by Examiner) (col. 18, lines 30-45).

6. Claims 16-19 are rejected as the invention of Ayers meets the chemical and physical limitations set forth in the instant claims and as such may perform in the instantly recited manner.

Claim Rejections - 35 USC § 102/103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-4 and 6-7 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ayers.

8. Claims 3 and 6 are rejected as the presence of process limitations on product claims, in which the product does not otherwise patentably distinguish over prior art, cannot impart patentability to the product. *In re Stephens*, 145 USPQ 656.

9. Once the Examiner provides a rationale tending to show that the claimed product appears to be the same or similar to that of the prior art, although produced by a different process, the

burden shifts to Applicant to come forward with evidence establishing an unobvious difference between the claimed product and the prior art product. *In re Marosi*, 218 USPQ 289, 292.

10. The applied invention is silent as to the aspect ratio of tensile strength of the base paper, however as it does meet the limitations set forth in Independent claim 1 it would either inherently meet the instantly recited limitation or it would have been obvious to one of ordinary skill in the art to have made the applied invention with the instantly claimed property motivated by the successful creation of a low-density, soft bulky and absorbent paper sheet.

Claim Rejections - 35 USC § 103

11. Claims 8-15 are rejected under 35 U.S.C. 103(a) as obvious over Ayers in view of Phan et al. (US Patent 6,136,146). The invention of Ayers has been previously disclosed, however it is silent as to the use of wet strength enhancing agents.

12. Phan et al. disclose a air-dried paper web with at least two different regions of different densities and basis weights (Abstract). Examples 1 and 2 utilize softwood kraft pulp within the furnish. The paper furnish may further comprise a variety of additives including wet strength binder materials such as polyamide-epichlorohydrin resins (col. 9, line 62 – col. 10, line 5).

13. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the wet strength additive of Phan et al. in the furnish of Ayers. The skilled artisan would have been motivated by the desire to increase the wet strength of the softwood kraft fibers.

14. Claims 8-15 are rejected under 35 U.S.C. 103(a) as obvious over Ayers in view of Kearney et al. (US Patent 4,225,382). The invention of Ayers has been previously disclosed, however it is silent as to the use of wet strength enhancing agents.

15. Kearney et al. disclose an improved process to produce a novel tissue (Abstract). Examples 1-4 teach the use of softwood kraft pulp in the furnish. In efforts to increase the wet strength of the pulp a modified polyacrylamide resin is added to the neat furnish in Example 1 (col. 13, lines 20-25).

16. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the wet strength additive of Kearney et al. in the furnish of Ayers. The skilled artisan would have been motivated by the desire to increase the wet strength of the softwood kraft fibers.

Claim Rejections - 35 USC § 102/103

17. Claims 1-7 and 16-19 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Masanori (JP 10001166).

18. Masanori discloses a paper reticulated material that is formed by twisting one or more belt formed paper flaps to form strings and forming a net by knitting the twisted strings in a cross-knitting manner (Abstract). The figure provided along with the abstract displays a knotless net. A full translation of the applied publication will be provided along with the next office action.

Art Unit: 1771

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Matzek whose telephone number is (571) 272-2423. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MDM

Elizabeth M. Cole
ELIZABETH M. COLE
PRIMARY EXAMINER